

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

DEKALB FARMER'S MARKET, INC.,
WOOD'S PRODUCE COMPANY, INC. and
PIONEER GROWERS COOPERATIVE,

Plaintiffs,

v.

JUAN ANTONIO PACHECO a/k/a JUAN ANTONIO
CASTILLO, OSCAR N. COLLAZO, and UNITED
PRODUCE, LLC,

Defendants.

Civil Action No. 5:18-cv-00201-D

MOTION FOR DEFAULT JUDGMENT

Plaintiffs DeKalb Farmer's Market, Inc ("DeKalb"), Wood's Produce Company, Inc. ("Wood's"), and Pioneer Growers Cooperative ("Pioneer") request that the Court enter judgment by default, pursuant to Fed. R. Civ. P. 55(b)(2) and Section 5(c) of the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. § 499e(c), against Defendants Juan Antonio Pacheco a/k/a Juan Antonio Castillo ("Castillo") and United Produce, LLC ("United") as follows:

1). In favor of DeKalb and against Defendants Castillo and United, jointly and severally, in the amount of \$110,997.96, which includes principal in the amount of \$66,833.66, interest through January 31, 2019, at the rate of 18% per annum, in the amount of \$11,186.56, and reasonable attorneys' fees and costs in the amount of \$32,977.74, for a total judgment amount of \$110,997.96, plus post-judgment interest pursuant to 28 U.S.C. §1961;

2). In favor of Wood's and against Defendants Castillo and United, jointly and severally, in the amount of \$92,153.80, which includes principal in the amount of \$67,389.16, interest through January 31, 2019, at the rate of 18% per annum, in the amount of \$9,681.79, and reasonable attorneys' fees and costs in the amount of \$15,082.85, for a total judgment amount of \$92,153.80 plus post-judgment interest pursuant to 28 U.S.C. §1961; and,

3). In favor of Pioneer and against Defendants Castillo and United, jointly and severally, in the amount of \$3,907.22, which includes principal in the amount of \$2,781.57, interest through January 31, 2019, at the rate of 18% per annum, in the amount of \$494.72, and reasonable attorneys' fees and costs in the amount of \$630.93, for a total judgment amount of \$3,907.22, plus post-judgment interest pursuant to 28 U.S.C. §1961.

In support of their Motion, Plaintiffs rely on the Court record, Entry of Default (Dkt. No. 30), the Declarations of Plaintiffs' representatives (including exhibits submitted therewith) (Dkt. Nos. 34-36), the Declarations of Plaintiffs' counsel and exhibits thereto (Dkt. Nos. 37-38), and the memorandum of law in support hereof filed contemporaneously herewith.

WHEREFORE, DeKalb, Woods and Pioneer request that the Court grant this Motion and enter Default Judgments against Defendants Castillo and United, jointly and severally, pursuant to the trust provision of the PACA, 7 U.S.C. § 499e(c), for their failure to pay for wholesale quantities of produce in the total aggregate amount of \$207,058.98, and such other and further relief as the Court deems just and proper.

Respectfully submitted this 25th day of January, 2019.

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on January 25, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

K. Matthew Vaughn
STEVENS MARTIN VAUGHN & TADYCH,
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[Email: matt@smvt.com](mailto:matt@smvt.com)

and that a copy of the foregoing was served upon Defendant Juan Antonio Castillo by first class U.S. Mail, in a postage prepaid envelope addressed as follows:

Juan Antonio Pacheco
a/k/a Juan Antonio Castillo
1008 Essex Forest Drive
Cary, NC 27518-9262

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